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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: EISENBACK=5

In re Application of: ) Conf. No.: 2954  
Michael EISENBACK et al. )  
Appln. No: 10/573,412 ) Art Unit: 1651  
Filed: Not yet received ) Examiner:  
For: APPARATUS AND METHODS FOR ) Washington, D.C.  
SELECTING CAPACITATED... ) April 13, 2007

INFORMATION DISCLOSURE STATEMENT [IDS]

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building, Mail Stop Amendment  
401 Dulany Street  
Alexandria, VA 22314

Sir:

This Information Disclosure Statement is submitted in accordance with 37 CFR §§1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

[X] 1. This IDS should be considered, in accordance with 37 CFR §1.97, as it is filed:

[ ] A. within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.

[X] B. before the mailing date of a first office action on the merits or before the mailing of a first Office action after the filing of a Request for Continued Examination under 37 CFR §1.114.

[X] 2. In accordance with 37 CFR §1.98, this IDS includes a list (e.g., form BN/SB/08A/B) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. Other than U.S. patent(s) and/or published U.S. application(s), which 37 CFR §1.98(a)(2)(ii) does not require to be filed unless specifically required by the Office, a copy of each document listed is attached.

[X] 3. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 and 68 in the preamble to the final rules; 1135 OG 13 at 20).

4. In accordance with 37 CFR §§1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in 37 CFR §1.56(b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

Respectfully submitted,

BROWDY AND NEIMARK  
Attorneys for Applicant(s)

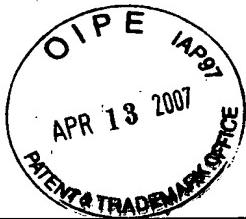
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Substitute for form 1449A/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

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of 1

Complete if Known	
Application Number	10/573,412
Filing Date	Not yet received
First Named Inventor	Michael EISENBACK et al.
Group Art Unit	1651
Examiner Name	
Attorney Docket Number	EISENBACK=5

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)	MM-DD-YYYY		
	US-				
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FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	MM-DD-YYYY		T <sup>6</sup>

NON PATENT LITERATURE DOCUMENTS /OTHER INFORMATION					
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published			T <sup>2</sup>
	AA	BEHAT, A., et al., "Thermotaxis of Mammalian Sperm Cells: A Potential Navigation Mechanism in the Female Genital Tract", <u>Nature Medicine</u> , Vol. 9, No. 2, pages 149-150, February 2003			
	AB	COHEN-DAYAG, A., et al., "Sperm Capacitation in Humans is Transient and Correlates with Chemotactic Responsiveness to Follicular Factors", <u>Proceedings of the National Academy of Sciences of the United States of America</u> , pages 11039-11043, Vol. 92, November 1995.			
	AC	DAVID, A., et al., "Temperature Changes in the Different Parts of the Rabbit's Oviduct", <u>International Journal of Gynaecology and Obstetrics</u> , Vol. 10, No. 2, pages 52-56, March 1972.			
	AD	FABRO, G., et al., "Chemotaxis of Capacitated Rabbit Spermatozoa to Follicular Fluid Revealed by a Novel Directionality-Based Assay", <u>Biology of Reproduction</u> , Vol. 67, pages 1565-1571, (2002).			
	AE	HUNTER, R. H. F., et al., "A Preovulatory Temperature Gradient Between the Isthmus and Ampulla of Pig Oviducts During the Phase of Sperm Storage", <u>Journal of Reproduction &amp; Fertility Ltd</u> , Vol. 77, pages 599-606, (1986)			
	AF	JAISWILL, B., et al., "Human Sperm Chemotaxis: Is Progesterone a Chemoattractant?", <u>Biology of Reproduction</u> , Vol. 60, pages 1314-1319, (1999)			

Examiner Signature		Date Considered	
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\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.